

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO.21581 OF 2007

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Between:

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Kantipudi Badarinarayana

.....Petitioner

Vs.

The District Collector, East Godavari District, Kakinada and three
others.

.....Respondents.

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO.21581 OF 2007

ORDER:

1) This writ petition is filed by the petitioner questioning the notification issued by the respondents under Section 4(1) of the Land Acquisition Act, proposing to acquire an extent of Ac 0.81 cents in S.No.31/2., Ac 0.75 cents in S.No.32/3 and Ac 2.92 ½ cents in S.No.33/2 of East Laxmipuram Village, Yeleswaram Mandal, East Godavari District for the purpose of providing house sites to the poor.

2) It is stated by the learned counsel for the petitioner that the petitioner is a small farmer, having small extents of land, living in agriculture and with reference to the same lands, a notification under Section 4(1) of the Land Acquisition Act (for short 'the Act) was issued in the year 2006, dispensing with Section 5-A enquiry of the Act, but, however, the respondents themselves have withdrawn the said notification. Now a fresh notification has been issued again and Section 5-A enquiry of the Act was also dispensed with. According to

the learned counsel, since the earlier notification has already been issued about a year back, which clearly shows that there is no urgency and therefore, invoking urgency clause is illegal, apart from depriving the right of the petitioner to place all the material why acquisition could not be proceed with.

3) Heard the learned counsel for the petitioner as well as the learned Government Pleader appearing for the respondents.

4) In view of the above facts, dispensing with 5-A enquiry of the Act invoking urgency clause under Section 17(4) of the Act is set aside. The respondents are directed to conduct Section 5-A enquiry and consider the objections of the petitioner and pass appropriate orders and thereafter only, they can proceed with, if the petitioner's objections are overruled, but not otherwise.

5) The writ petition is accordingly allowed. No order as to costs.

S.ANANDA REDDY J.,

Dt.11.10.2007

Note:

Wire at parties' costs

B/o

tjs